IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

WEDNESDAY, THE 24TH JANUARY 2007 / 4TH MAGHA 1928

CRP.No. 79 of 2007()

IA 1053/06 IN AS.54/2006 of SUB COURT, HOSDRUG

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REVN. PETITIONERS/ PLAINTIFFS/APPELLANTS.

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1. THE SECRETARY, KERALA STATE ELECTRICITY BOAR, VAIDHUTHI BHAVANAM, PATTOM, THIRUVANANTHAPURAM.

2. THE EXECUTIVE ENGINEER, KERALA STATE ELECTRICITY BOARD, ELECTRICAL DIVISION, KASARAGOD.

BY ADV. SRI.N.N.SUGUNAPALAN (SR.)
SRI.S.SUJIN

RESPONDENTS:/RESPONDENTS/RESPONDENTS.

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1. K.V.KRISHNAN, S/O.LATE K.V.KRISHNAN, RETIRED ASSISTANT EXECUTIVE ENGINEER, KERALA STATE ELECTRICITY BOARD, RESIDING AT VRINDAVAN, ALERAIVAYAL, HOSDURG VILLAGE, HOSDURG TALUK.

2. THE CHIEF ENGINEER (HRM), KERALA STATE ELECTRICITY BOARD, VAIDHUTHI BHAVANAM, PATTOM, THIRUVANANTHAPURAM.

BY //

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 24/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON I.A.NO.231/07 IN CRP 79/07

DISMISSED

24/1/2007

SD/-M.SASIDHARAN NAMBIAR,JUDGE.

//True copy//

SHW to Judge.

M.SASIDHARAN NAMBIAR,J.

C.R.P .NO.79 OF 2007

Dated 24th January 2007

O R D E R

This revision petition is filed challenging the order dismissing an application filed under Section 5 of Limitation Act. As a result of the order, A.S.54/06 was dismissed as barred by time. Though appeal was dismissed, on the dismissal of the application filed under Section 5 of Limitation Act, nevertheless it is a decision in the appeal and remedy of the petitioner is to challenge the judgment in the appeal. Along with judgment, petitioner is entitled to challenge the order under Section 5 of Limitation Act also. But without challenging the judgment in the appeal, this petition alone is not maintainable. Learned counsel appearing for petitioners then sought permission to withdraw the revision with liberty to file appeal. This revision petition is dismissed with liberty to file appeal.

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.